RESPONSE AND REMARKS

Claim Objections Under Section 112

The Office Action rejected Claims 4, 8-9 and 26 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. *Office Action*, Topic No. 24, pgs. 12-13. In particular, the Office Action states that the Examiner was unable to find support in the specification for the following limitations:

Claim 4: "for an electronic mail piece tracking identifier for which no match is found, reporting to the particular user an indication that there is no tracking information available for the particular first class mail piece." *Office Action*, Topic No. 24a, p. 13;

Claim 8 (and Claim 9 via dependency on Claim 8): "A computer program product, comprising a computer-readable medium having a computer-readable program code embodied therein, said computer-readable program code adapted to be executed to implement a method for printably rendering a trackable mail piece identifier graphic symbology, said method comprising:" *Office Action*, Topic No 24b, p. 13; and

Claim 26: "for a tracking identifier for which no match is found, indicating to the particular customer user that tracking status information was not found for the particular first class mail piece." *Office Action*, Topic No. 24c, p. 13.

The rejections under Section 112, first paragraph have been carefully considered.

With respect to the Section 112 rejections of Claims 4 and 26, Claims 4 and 26 have been amended to more distinctly claim the claimed invention. It is respectfully asserted that the amendments to Claims 4 and 26 resolve the Section 112 rejections of those Claims. It is respectfully asserted that reporting

of an absence of tracking status information for a tracking identifier for which no match is found, as claimed in one way or another by amended Claims 4 and 26, is supported by the *Specification* as originally filed at page 19, lines 20-25 (*See also, e.g.*, US2005/0144145 A1, ¶ [0080]).

With respect to the Section 112 rejection of Claims 8 and 9, it is respectfully asserted that a computer program product, comprising a computer-readable medium having a computer-readable program code embodied therein, to implement the claimed method, is implicit in the disclosure in the present application of a computer-based postage system as described in the present application. *See, e.g., Specification (as originally filed)*, p. 7, lines 18-19; US2005/0144145 A1, ¶¶ [0033]-[0034]). Further, it is respectfully asserted that the Specification of the present application explicitly states support for the claimed limitations. For example, the Specification of the present application explicitly states that "[t]he online postage system software comprises user code, also sometimes referred to as client software, that resides on a client system, and controller code, also sometimes referred to as server software, that resides on a server system." *Specification (as originally filed)*, p. 8, lines 18-20; US2005/0144145 A1, ¶ [0036].

Claim Rejections Under 35 U.S.C. 101

The Office Action rejected Claims 1-2, 4-7, 13, 15-18, and 21-25 under 35 U.S.C. § 101, stating that "the claimed invention is directed to non-statutory subject matter." *Office Action*, Topic No. 25, pgs. 13-14.

The rejections under Section 101 have been carefully considered. The suggestions in the Office Action for amending the Claims to overcome the Section 101 rejections are gratefully acknowledged with appreciation. Claims 1, 2, 4, 7, 13, 16-18, and 23-25 have been amended to more distinctly claim the claimed invention. It is respectfully asserted that the amendments to Claims 1, 2, 4, 7, 13, 16-18, and 23-25 resolve the Section 101 rejections, and that Claims 1-2, 4-7, 13, 15-18, and 21-25, as amended, are directed to statutory subject matter under Section 101.

Further, it is respectfully asserted that the sole grounds for rejection of Claim 25 stated in the Office Action was under Section 101. It is respectfully asserted, therefore, that the above-mentioned amendments to Claim 25 having resolved the Section 101 rejection, Claim 25 is in condition for allowance.

Claim Rejections Under 35 U.S.C. 102 (e)

The Office Action rejected Claims 10, 12 and 18 under 35 U.S.C. § 102(e) as being anticipated by Montgomery, et al. (U.S. Application Publication No. 2003/0101143 A1; "*Montgomery*"). *Office Action*, Topic No. 26, pgs.14-18.

Claim Rejections Under 35 U.S.C. 103

The Office Action rejected Claims 1-3, 5, and 7-9 under 35 U.S.C. § 103(a) as being unpatentable over *Montgomery* in view of Baker, et al., (U.S. Patent Application Publication No. US 2004/0215478 A1, "*Baker*"), and further in view of Watson, Neva, "Changes to the Domestic Mail Manual to Implement Confirm (R) – Service" ("*Watson*"). *Office Action*, Topic No. 27, pages 18-28.

The Office Action rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Montgomery* in view of *Baker*, in further view of *Watson* and in further view of Leon (U.S. Patent No. 7,069,253; "*Leon*"). Office Action, Topic No. 28, pgs. 29-31.

The Office Action rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over *Montgomery* in view of *Baker* in further view of *Watson*, and in further view of Denman (U.S. Patent No. 5,737,729; "*Denman*"). *Office Action*, Topic No. 29, pgs. 31-32.

The Office Action rejected Claims 13 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over *Montgomery* in view of *Baker*. *Office Action*, Topic No. 30, pgs. 32-35.

The Office Action rejected Claims 21-22 under 35 U.S.C. § 103(a) as being unpatentable over *Montgomery*. *Office Action*, Topic No. 31, pgs. 35-36.

The Office Action rejected Claim 23 and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Montgomery* in view of *Leon*. *Office Action*, Topic No. 32, pgs. 36-40.

The Office Action rejected Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over *Baker* in view of *Montgomery*. *Office Action*, Topic No. 33, pgs. 41-42.

RESPONSIVE REMARKS REGARDING SECTION 102(e) and Section 103(a) REJECTIONS

The rejections of the Claims of the present application under Sections 102(e) and 103(a) have been carefully considered. Claims 1-4, 7-10, 13, 16-18, and 23-26 have been amended to more distinctly claim the claimed invention; Claims 11, 14 and 19-20 were previously cancelled.

The reasons given and the authorities cited in the previous Amendment and Response by Applicant are incorporated by reference herein.

In addition to the previously given reasons, and under the previously cited authorities, for the reasons given, and under the authorities cited below, it is respectfully asserted that none of the cited references, even when considered in combination, disclose, anticipate, teach or suggest all of the limitations of the amended Claims of the present application.

MONTGOMERY FAILS TO DISCLOSE THE AMENDED CLAIMED LIMITATIONS FOR WHICH THE OFFICE ACTION RELIES ON THAT REFERENCE, AND CLAIMS 1-10, 12-18, 21-24 AND 26 ARE THEREFORE PATENTABLE

The Office Action relies on *Montgomery* to reject Claims 10, 12, and 18 under Section 102(e), and Claims 1-9, 13-17, 21-24 and 26 under Section 103(a). The Office Action responds to previous remarks by Applicant regarding the citation of *Montgomery*, stating that "… while Montgomery contemplates, and thus discloses, the idea of the U.S. Postal Service scanning all postal indicia (see paragraph [0137], which states: 'Currently, however, the USPS only spot checks the postage indicia, and thus copy fraud may be currently difficult to detect using copy fraud—at least until the USPS scans 100% of the postage indicia.')" *Office*

Action, Topic No. 11, p. 4. The Office Action concludes that "[j]ust because a particular disclosure is not in widespread use does not mean that it is not known." *Office Action*, Topic No. 11, p. 4.

The Office Action states that "Montgomery indicates that vendor IDs are assigned to postal vendors by the postal authority (see Montgomery, paragraphs [0103]-[0104], referring to vendor IDs under the alternative name of device IDs." *Office Action*, Topic No. 12, p. 5. The Office Action reasons that "[i]f a vendor ID is required to formulate a unique tracking number under one embodiment of Montgomery, then providing a vendor with a vendor ID by a postal authority is, in fact, providing an authorization to the vendor by the postal authority to provide tracking services to a postal vendor customer." *Office Action*, Topic No. 12, p. 5.

For the reasons given further below, it is respectfully asserted that the above-outlined reasoning by the Office Action misapprehends some of the disclosures of the *Montgomery* reference and, as a result, misapprehends distinctions between the claimed limitations and the cited *Montgomery* reference. Further, it is respectfully asserted that the amendments herewith to the Claims more distinctly claim the claimed invention and, for the reasons given further below, that the claimed invention is distinguished from the cited references.

First, it is respectfully noted that in the previously-filed Amendment and Response, Applicants acknowledged that "*Montgomery* projects that the postal service may someday scan '100% of the postage indicia' (*Montgomery*, ¶ [0137]; cited by the *Office Action*, Topic No. 11, p. 6), but concedes that until then, '... the USPS only spot checks the postage indicia ....' (*Montgomery*, ¶ [0137])." *Previously-Filed Amendment and Response to Office Action dated September 18, 2008*, p. 20, ¶ 4.

However, it is respectfully asserted that the above-mentioned spot-check nature of the scanning was not, and is not, the full basis of the distinction between the claimed limitations and the *Montgomery* reference. Rather, it is respectfully asserted that the above-mentioned concession by *Montgomery* is evidence of distinctions between the claimed limitations of the Claims of the present application and the disclosure of *Montgomery*.

In particular, it is respectfully asserted that *Montgomery* relies on postal service scanning of postage indicia. It is respectfully asserted that postage indicia is distinguished from the machine-readable tracking graphic symbologies and barcodes claimed by the amended Claims of the present application. In particular, it is respectfully asserted that, as amended, the machine-readable tracking graphic symbologies and barcodes are expressly claimed to be separate or apart from, or exclusive of, postage indicia. *See, e.g.*, Claim 1 ("... using the computer-based postage system for creating a machine-readable tracking graphic symbology, separate from postage indicia, comprising the first class mail piece tracking identifier ..."); Claim 8 (...formatting for print-rendering, a machine-readable tracking barcode, exclusive of postage indicia, the machine-readable tracking barcode comprising the first class mail piece tracking identifier ..."); Claim 18 (... using the computer-based postage system for encoding the first class mail piece tracking identifier as a machine-readable barcode apart from computer-based postage indicia for the particular first class mail piece ...). *See also* independent Claims 10, 13, 23 and 24 for similar limitations.

It is respectfully asserted that, except for types of mail for which a tracking identifier already exists, *Montgomery* discloses including a tracking identifier as part of postage indicia, and then depending on the postal service to scan postage indicia, which *Montgomery* concedes, only happens on a spot check basis. In particular, it is respectfully submitted that, except for types of mail for which a tracking identifier already exists, *Montgomery* discloses generating a self-styled character string named a Tracking Number, and discloses that the *Montgomery* computer-based postage system provider incorporates the self-styled tracking number in digitally signed postage indicia. *See, e.g., Montgomery*, ¶ [0103], Table 2; *Montgomery*, ¶ [0043] ("... generating ... a self-validating unique postage indicum ... [that] contains a character string (such as, e.g., a tracking ID) unique to the postal system and a digital signature that is derived from the tracking ID ....").

It is respectfully asserted that *Mongomery*'s reliance on the scanning of postage indicia is the reason that *Montgomery* makes the above-mentioned

concession that postage indicia is only spot-checked. As distinguished from incorporating a tracking number in postage indicia as disclosed in _Montgomery_, the amended Claims more distinctly claim that the claimed machine-readable tracking graphic symbologies and barcodes are separate or apart from, or exclusive of, postage indicia. It is respectfully asserted that, as compared to the character string called a tracking ID that is incorporated in digitally signed postage indicia in _Montgomery_ that is only spot-checked to detect fraud, as explained in the Specification of the present application:

> As each mail piece progresses through to its destination, the CONFIRM®
> barcode on each mail piece is scanned at the different USPS processing
> facilities through which it passes. Electronic information for each scan is
> captured and is sent to a centralized network service, which collects the
> scan data and packages it for use by USPS customers. The electronic
> scan information is then electronically transferred from the centralized
> network and is made available in two ways: through accessing a
> PLANET™ Codes website or via transmission of electronic files sent to
> subscribing USPS customers.

Specification, p. 2, lines 18-25. _See also, e.g., Watson_, Summary ("The [CONFIRM] service ... enables a mailer subscribing to the service to identify where and when barcodes printed on mail are scanned ...").

Applicants further respectfully disagree with the equivocation by the Office Action of the claimed mailing subscriber identifier with the vendor ID described in Montgomery. The Office Action indicates that the claimed mailing subscriber identifier is properly interpreted to be equivalent to the vendor ID in _Montgomery_. _See, e.g., Office Action_, Topic No. 12, p. 5. The Office Action reasons that "Montgomery indicates that vendor IDs are assigned to postal vendors by the postal authority (see Montgomery, paragraphs [0103]-[0104], referring to vendor IDs under the alternative name of device IDs)." _Office Action_, Topic No. 12, p. 5. The Office Action postulates that "[i]f a vendor ID is required to formulate a unique tracking number under one embodiment of Montgomery, then providing a vendor with a vendor ID by a postal authority is, in fact, providing an authorization to the vendor by the postal authority to provide tracking services to a postal vendor customer." _Office Action_, Topic No. 12, p. 5.

The Office Action asserts that *Montgomery*'s vendor ID is a mailing subscriber ID. *Office Action*, Topic No. 16, p. 8. The Office Action further asserts that *Montgomery* is directed to a mailing tracking service, asserting that *Montgomery* "repeatedly discusses incorporating tracking identifiers into mail pieces." *Office Action*, Topic No. 14, p. 6. *See also, e.g., Office Action*, Topic No. 16, p. 10. *Cf. also, e.g., Office Action*, Topic No. 18, p. 11 (with respect to *Leon*); *Office Action*, Topic No. 21, p. 12 (with respect to *Denman*).[1]

The aforementioned equivocation of a "mail piece" with a "mailing" is respectfully disputed. It is respectfully asserted that, as distinguished from a mail piece, a "mailing" comprises a number of mail pieces. *See, e.g., Specification*, p. 2, line 30 – p. 3, line 2 ("A POSTNET Code identifies a particular delivery address. A PLANET™ Code identifies a particular CONFIRM® Subscriber's mailing. If more than one mail piece in a single mailing is addressed to the same delivery address, then the CONFIRM® Service does not provide individual mail piece tracking.); *Specification*, p. 3, lines 3-8 ("The CONFIRM® service was designed to serve the high-volume mailer such as telemarketers and other businesses. High-volume mailers can benefit from tracking outbound mailings. For example, information about customer receipt of certain mailings would allow mailers to plan subsequent business activities, such as synchronizing telemarketing efforts with delivery of solicitations, or augmenting direct mail pieces with other advertising media.").

Further, it is respectfully asserted that the Office Action misapprehends the relationship between a vendor ID assigned by the U.S. postal service to a computer-based postage provider, and authorization by the U.S. postal service with respect to the computer-based postage provider. It is respectfully asserted, as disclosed in *Montgomery*, that a vendor ID (or as the Office Action mentions, a device ID), is assigned by the postal service to "... identify[y] the USPS-assigned ID for each postage vendor." *Montgomery*, ¶ [0104]. That is, a vendor ID as

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[1] Applicant's previous argument that the cited references, for example, *Montgomery*, *Leon* and *Denman*, do not disclose "mailing" tracking, has been incorporated by reference and is not repeated here.

disclosed by _Montgomery_, denotes authority by the postal authority for the computer-based postage provider to be a vendor of computer-based postage.

As compared to the claimed mailing subscriber identifier, it is respectfully asserted that the vendor ID mentioned in _Montgomery_ is not disclosed by _Montgomery_ to be "… an authorization by the postal authority to the first class mail piece tracking provider to create machine-readable tracking graphic symobolgies, separate from postage indicia, for tracking first class mailings that bear machine-readable tracking barcodes created in accordance with the authorization by the postal authority to the first class mail piece tracking provider …" as claimed, for example, by amended Claim 1. _See also_ amended independent Claims 8, 10, 13, 18, and 23-24 for similar limitations.

The Office Action further asserts, apparently referring to _Montgomery_, that "[a]s far as modifying elements … until a unique combination is obtained, this is performed by incrementing the ascending register by one each time a new mail piece is metered for a given end user. This is equivalent to modifying the mailing identifier in Applicant's claims to result in the next unique tracking identifier." _Office Action_, Topic No. 16, p. 9.

The above-stated interpretation of _Montgomery_ and the Claims regarding modifying content to obtain a trackable combination is respectfully disputed. As compared to "…incrementing the ascending register by one each time a new mail piece is metered for a given end user…" as asserted by the Office Action, it is respectfully submitted that _Montgomery_ states that "[t]he "Ascending Register" identifies the total monetary value of all postage indicia ever produced for the user account." _Montgomery_, ¶ [0104]. It is therefore respectfully asserted that _Montgomery_ fails to disclose modifying the "Ascending Register" as asserted by the Office Action, to obtain a trackable combination.

Accordingly, for the reasons given above, and for the reasons previously given, it is respectfully asserted that _Montgomery_, even when considered in combination with the other cited references, fails to disclose the limitations claimed by the Claims of the present application as amended and for which _Montgomery_ was cited by the Office Action. Therefore, for the above-given

reasons, and for the previously given reasons, it is therefore respectfully asserted that the Claims of the present application, as amended, are distinguished from, and patentable over, _Montgomery_, even when that reference is considered in combination with the other cited references.

<p align="center">_THE OTHER REFERENCES FAIL TO FILL THE GAP LEFT BY MONTGOMERY_</p>

The Office Action asserts that _Watson_ "… disclose[s] wherein a plurality of mailing tracking subscriber identifiers are assigned by the postal authority to a single entity, and identifying from the plurality of mailing tracking subscriber identifiers, a next available mailing tracking subscriber identifier." _Office Action_, Topic No. 16, p. 9.

The assertion by the Office Action that _Watson_ discloses "… identifying from the plurality of mailing tracking subscriber identifiers, a next available mailing tracking subscriber identifier …" is respectfully disputed. It is respectfully submitted that _Watson_ discloses, as does the Specification of the present application and _Publication 197_, incorporated in the Specification by reference (_See Specification_, p. 1, lines 26-29), the assignment of multiple subscriber identifiers to a single mailing tracking subscriber. Similar to _Watson_, the Specification of the present application explains that "[a]s a CONFIRM® Service subscriber, the exemplary mail piece tracking provider registers with the U.S. Postal Service to obtain one or more subscriber identifiers (subscriber IDs). … three (3) exemplary subscriber IDs will be described herein …." _Specification_, p. 10, lines 19-23. The Specification of the present application also incorporates by reference _Publication 197_ (_see Specification_, p. 1, lines 26-29); like the Specification, _Publication 197_ also describes assigning multiple subscriber IDs to a single subscriber. _See, e.g., Publication 197_, Section 2 ("Subscribing to Confirm"; a courtesy copy of Sections 1 and 2 of a 2008 version of _Publication 197_ are attached hereto under "Attachment A").

Even though the assignment of multiple subscriber identifiers is explained in the Specification and in _Publication 197_, it is respectfully asserted that neither

Publication 197 nor the disclosure of *Watson* disclose "modifying at least one of the next available mailing tracking subscriber identifier and the next available mailing identifier, until determining a combination ... to comprise a first class mail piece tracking identifier that would trackably identify the particular first class mail piece during a particular period of time ..." as claimed, for example, by Claim 1.

In rejecting Claim 1, the Office Action cites *Watson*, p. 3, section A; p. 6, section B; and p. 9, section C to support the assertion of a disclosure of the above-recited limitation. *Office Action*, Topic No. 27, p. 22. It is respectfully asserted that the cited portions of *Watson* disclose only, as previously explained above by the Specification, the assignment of multiple subscriber IDs to a single subscriber. In addition to the citations to *Watson*, the Office Action asserts that "... using a plurality of mailing subscriber identifiers would require that a subscriber be able to choose which one to use for the next destination confirm mailing." *Office Action*, Topic No. 27, p. 22.

It is respectfully asserted that the aforementioned assertion by the Office Action is not supported by any citation and therefore fails to support the assertion of obviousness. Further, it is respectfully asserted that a subscriber choosing which of multiple subscriber IDs to use, does not disclose the claimed "modifying" limitation recited by Claim 1.

Further, it is respectfully asserted that none of the cited references, including *Publication 197*, *Watson*, *Baker* or *Montgomery*, disclose, anticipate, teach or suggest a single subscriber to a mailing tracking service providing mail piece tracking to a plurality of customers of the subscriber as would be facilitated by exemplary embodiments of the claimed limitations.

In particular, as compared to mail piece tracking, it is respectfully asserted that a *mailing* tracking service, such as the CONFIRM® service, was provided for USPS subscribers to be able to track their "*mailings*", *not* particular mail pieces. *See, e.g.*, *Specification*, p. 3, lines 13-18 ("... the CONFIRM® Service does not guarantee tracking of individual mail pieces.").

Further, for the reasons previously explained above, it is respectfully asserted that a "mailing" tracking service is distinguished from a "mail piece"

tracking service. It is respectfully asserted that, as distinguished from a mail piece, a "mailing" comprises a number of mail pieces. *See, e.g., Specification*, p. 2, line 30 – p. 3, line 2 ("A POSTNET Code identifies a particular delivery address. A PLANET™ Code identifies a particular CONFIRM® Subscriber's mailing. If more than one mail piece in a single mailing is addressed to the same delivery address, then the CONFIRM® Service does not provide individual mail piece tracking."); *Specification*, p. 3, lines 3-8 ("The CONFIRM® service was designed to serve the high-volume mailer such as telemarketers and other businesses. High-volume mailers can benefit from tracking outbound mailings. For example, information about customer receipt of certain mailings would allow mailers to plan subsequent business activities, such as synchronizing telemarketing efforts with delivery of solicitations, or augmenting direct mail pieces with other advertising media.").

Further, as explained in the Specification, although the CONFIRM® Service as provided by the USPS would provide scanning of mail pieces with affixed CONFIRM®-Subscriber barcodes (*See, e.g., Specification*, p. 2, lines 26-27 ("CONFIRM®-barcoded mail pieces are scanned during the passage of the mail piece through various USPS processing facilities..."), the CONFIRM® Service as provided by the USPS would *not* provide mail piece tracking in circumstances where, for example, a single mailing included more than one mail piece that is addressed to a single delivery address. *See, e.g., Specification*, p. 2, line 30 – p. 3, line 2 ("A POSTNET Code identifies a particular delivery address. A PLANET™ Code identifies a particular CONFIRM® Subscriber's mailing. If more than one mail piece in a single mailing is addressed to the same delivery address, then the CONFIRM® Service does not provide individual mail piece tracking.").

Even when a single subscriber is tracking its own mailings, it is respectfully asserted that circumstances can arise where multiple mail pieces are addressed to the same delivery address. For example, a single subscriber might mail letters, or other mail matter, to different individuals at the same address. Or, a single subscriber might want to mail different types of mail matter to the same

individual at a single address. In such circumstances, it is respectfully asserted that the CONFIRM® Service as described by _Watson_, without more, would not provide first class mail piece tracking for the single subscriber.

Further, as compared to a single subscriber tracking its own mailings, where, as for various embodiments of the Claims of the present application, a single mailing tracking subscriber is providing the CONFIRM® Service to multiple customers, the likelihood of multiple mail pieces going to the same address is increased. As an illustrative example, during tax filing/payment cycles, it is respectfully asserted that it would be likely that more than one customer of a single mailing tracking subscriber that is providing the CONFIRM® Service to a plurality of its customers would send a mail piece to the same tax entity on the same day. In such a situation, it is respectfully asserted that the CONFIRM® Service as described by _Watson_, without more, would not provide first class mail piece tracking.

As compared to _Watson_ that discloses tracking mailings of a single subscriber, even for which there has been assigned multiple subscriber IDs, it is respectfully asserted that various exemplary embodiments of the amended Claims of the present application would be useful over the cited references, even when considered in combination, because such exemplary embodiments would provide customers of an authorized mailing tracking subscriber with a way to obtain tracking information for the customer's particular first class mail piece.

It is respectfully asserted that an authorized mailing tracking subscriber providing mail piece tracking information to its customers as would be facilitated by exemplary embodiments of the claimed limitations would be useful over the cited references, including _Watson_ and _Baker_, because doing so would serve low volume mailers who are not subscribers of the mailing tracking service. _See, e.g., Specification_, p. 3, lines 3-4 ("The CONFIRM® service was designed to serve the high-volume mailer such as telemarketers and other businesses."); _Specification_, p. 3, lines 13-18 ("Although large mailings are not normally the concern of individuals, individuals with low volume mailings could benefit from the ability to track processing and delivery of individual mail pieces. Low volume mailers will
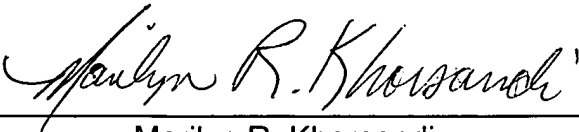
not be motivated to pay the high subscription fees for the U.S. Postal CONFIRM® Service...."); _Specification_, p. 4, lines 2-6 ("The exemplary embodiment of the present invention provides a way for low-volume mailers to track individual outbound mail pieces, including tracking of individual U.S. Postal Service FIRST-CLASS MAIL® letters. The exemplary embodiment of the present invention supports tracking of multiple mail pieces mailed by multiple mailers using a single computer-based postage system.").

CONCLUSION

In view of the foregoing amendments, and for the foregoing reasons and for the previously given reasons, it is respectfully asserted that the invention disclosed and claimed in the present application, as amended, is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, reconsideration and allowance of the application as amended herewith is respectfully requested.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

By _____

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1 Confirm Service: A Summary

1-1 Service Description

Confirm® service allows mailers to uniquely identify and receive mail processing data for outgoing and incoming reply mailpieces. It provides mailers with information about automation-compatible letters and flats for First-Class Mail®, Standard Mail®, and Periodicals mail. Data includes:

a. The date, time, and location that outgoing Confirm mail was inducted at a Postal Service facility.

b. The date, time, location and sort operation at which a mailpiece was processed at a Postal Service facility.

Confirm requires that mailers display prescribed mail barcodes on the front of mailpieces. A mailer's proper application of these barcodes allows the Postal Service to generate Confirm scan data and distribute this data to the mailer.

Confirm provides two types of service: Destination Confirm and Origin Confirm.

1-1.1 Destination Confirm

Destination Confirm can provide mailers with an electronic notification when their outgoing mailpieces are inducted at a Postal Service facility and mailpiece processing data that helps them determine delivery.

1-1.2 Origin Confirm

Origin Confirm enables the Confirm mailer to determine when and where their customers mailed incoming reply mailpieces. Remittance mail processors and mail order companies use Origin Confirm to receive advance notice of incoming payments and orders.

1-1.3 Benefits

Mailers use Destination Confirm service to anticipate when their message will reach their customers, and they use Origin Confirm service to know when a response is on its way to them from their customers. Mailers can use Confirm service to align their business processes and resources with the actual processing and delivery status of their mail. Integrating Confirm data into current business practices puts valuable information in the hands of corporate decision makers, and that can help reduce costs, enhance marketing efforts, and improve their relationships with customers.

1-2 How Confirm Works: Process Overview

Confirm uses barcodes scanned by mail processing equipment to collect data from mailpieces as they are sorted and approach delivery.

Prior to using Confirm service, the mailer must become a Confirm subscriber. Refer to chapter 2 for steps required to subscribe to the service. Upon establishing a Confirm account, mailers follow the Confirm service process as noted below (see also Exhibit 1-2):

1. Mail planning and preparation.

2. Preshipment notification preparation and submission.

3. Mail induction at a Postal Service facility.

4. Mail processing at a Postal Service facility.

5. Data access and interpretation.

Exhibit 1-2
Confirm Process Overview

Mail Planning
and Preparation

Preshipment Notification
and Submission

Mail Induction
at USPS

Data Access and Interpretation

Mail Processing at USPS
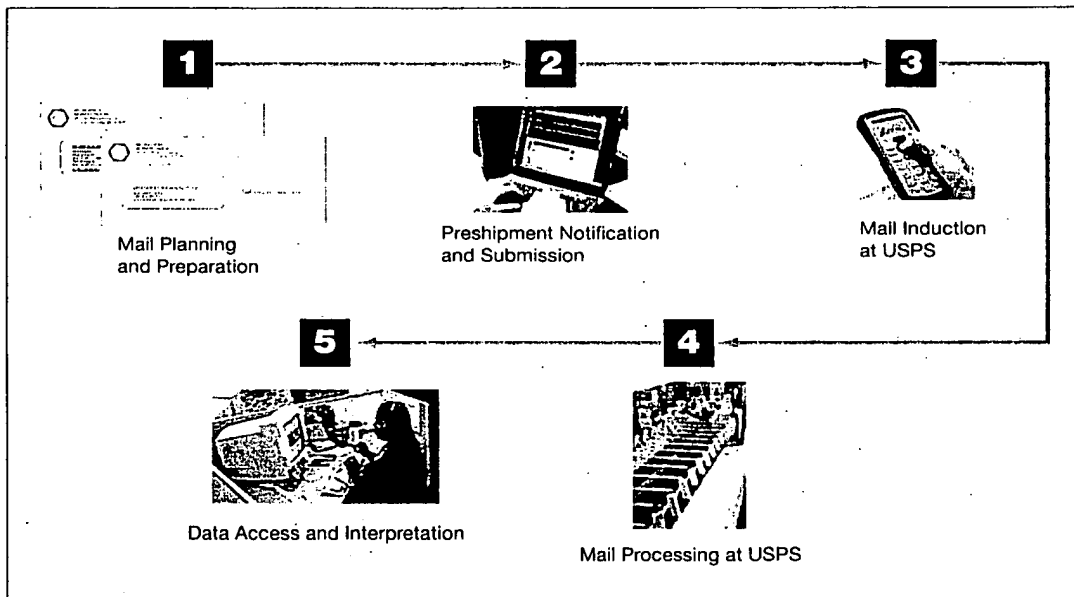
1-2.1 ## Mail Planning and Preparation

a. The mailer decides whether to use Destination Confirm, Origin Confirm, or both.

b. The mailer determines which prescribed Confirm barcodes to use to generate Confirm data, choosing from the following options:

(1) PLANET Code® barcodes in combination with POSTNET™ (Postal Numeric Encoding Technique) barcodes.

(2) OneCode Confirm™, which uses Intelligent Mail® barcodes. (For a discussion of the Intelligent Mail barcode — which is a "4-state" barcode — see 3-5.)

See chapter 3 for more information on barcoding options.

c. The mailer determines how many mailpieces to use to generate Confirm data, choosing from the following options:

   (1) All mailpieces in the mailing.

   (2) Only a sampling of the mailpieces (i.e., "seeding").

d. The mailer determines the information to include in the Confirm barcode. This includes the service type ID for the mailpieces.

e. The mailer ensures that mailpieces are designed and prepared in accordance with Confirm requirements and basic specifications for automation-compatible mail.

f. The mailer prepares mail to be inducted at a Postal Service facility.

Refer to chapter 3 for detailed information.

1-2.2 Preshipment Notification Preparation and Submission

a. For Destination Confirm mail only, the mailer prepares the preshipment notification (e.g., Electronic Mailing Data), validates the file, and submits it. The preshipment notification is an electronic manifest that describes where and when the mailer will drop the shipments/mailings into the mailstream, and the Confirm barcode(s) associated with each shipment. The preshipment notification provides information that the Postal Service requires to properly distribute entry scan data to the mailer and link those entry scans with associated mailpiece processing scan data.

b. If mailing or shipment information changes, the mailer updates the preshipment notification.

Refer to chapter 4 for detailed information.

1-2.3 Mail Induction at a Postal Service Facility

a. For Destination Confirm mailings only, the mailer assigns a unique Shipment ID number to each shipment and affixes an associated Shipment ID barcode on proper documentation forms (PS Form 8125, *Plant-Verified Drop Shipment (PVDS) Verification and Clearance,* or PS Form 3152-A, *Confirm Advanced Shipping Notice (ASN) Shipment ID*) that accompany the mail as it is inducted.

b. The mailer drops the shipments at the Postal Service facility.

c. When the mailer drops a shipment at the Postal Service facility, the Postal Service receiving employee follows proper procedures for taking possession of the mail.

d. Upon induction, the Postal Service receiving employee scans the Shipment ID barcode on the PS Form 8125 or PS Form 3152-A to generate an Entry Scan.

e. The Postal Service sends the Entry Scan data to the Confirm subscriber.

Refer to chapter 5 for detailed information.

1-2.4 Mail Processing at a Postal Service Facility

a. The Postal Service processes the mailpieces on mail processing equipment (MPE) and sends scan data to the mailer. Confirm data is generated each time that a "machine-readable" mailpiece, with machine-readable Confirm barcodes, is sorted using automated MPE. Mailpieces that are not processed on MPE do not generate Confirm mailpiece scan data. Mailpiece scan data contains processing location, sort operation, date/time, and barcode digits.

b. The Postal Service continues to process the mailpieces on MPE in preparation for delivery.

Refer to chapter 6 for detailed information.

1-2.5 Data Access and Interpretation

a. The mailer receives entry scan and mailpiece scan data from the Postal Service. Options are either to receive data electronically via scheduled file transfer, or to download the data from the Mail Tracking and Reporting Web site at *http://mailtracking.usps.com*. Entry scan notifications can also be received via e-mail.

b. The mailer integrates and utilizes Confirm data to suit their business needs. The mailer references support resources (e.g., Operation Code listing) to help interpret the data and turn it into useful information. In most cases, data can indicate mail delivery dates with a high level of certainty.

Refer to chapter 7 for detailed information.

1-3 Applications and Potential Benefits

Confirm service provides mailers with valuable mail intelligence data that allows them to make appropriate and timely decisions.

1-3.1 Organizations

Organizations that may benefit from Confirm service include the following:

a. Advertising agencies.

b. Audio and book clubs.

c. Banks.

d. Catalog and mail order companies.

e. Collection agencies.

f. Direct mail advertisers.

g. Financial organizations.

h. Government agencies.

i. Insurance companies.

j. Mail service providers.

k. Non-profit organizations/charities.

l.   Political organizations.

m.   Printing and publishing companies.

n.   Restaurant and hospitality companies.

o.   Retailers.

p.   Telecommunications companies.

q.   Utility companies.

1-3.2 Potential Benefits

Potential benefits from Confirm service may include the following:

a.   Collections and dunning optimization.

b.   Estimated cash flows for improved cash management.

c.   Improved customer service and retention.

d.   Improved remittance center processing performance.

e.   Improved integration of marketing efforts to increase response rates and reduce costs.

f.   Increased return on investment (ROI) on marketing and advertising expenditures.

g.   Reduced unnecessary outbound customer contact calls.

h.   Optimized work force staffing.

1-3.2.1 Improving Messaging

a.   *Heighten awareness.* Identify mail delivery trends that will help set mailing schedules using in-home delivery dates from Destination Confirm service on outgoing mailings.

b.   *Integrate direct marketing programs.* Boost response rates by timing follow-up e-mail or telemarketing calls to coincide with in-home direct mail delivery by taking advantage of the delivery predictability that comes with using Confirm service to track outgoing mailings.

c.   *Sharpen follow-up communications.* Use the mail intelligence gathered from Confirm service to track incoming and outgoing mailings to improve the effectiveness of telemarketing follow-up.

d.   *Ensure timely delivery of marketing messages.* Ensure that marketing messages reach target audiences in time to support promotions and boost traffic by using Confirm service data for near real-time tracking of outgoing solicitations.

e.   *Test different offers.* Test different creative images and offers against others to evaluate the success of ad campaigns and determine which bring higher response rates by using Confirm service on both incoming and outgoing mailpieces. Confirm results are faster than conventional seeding methods for which results may take weeks or months to compile.

f.   *Evaluate mail effectiveness.* Plan future campaigns by using Confirm service on incoming reply mail to measure how effective direct mail is at generating responses or sales and identify the day of the week customers are putting reply mail into the mailstream. Confirm data can be used to identify and analyze response rate curves.

1-3.2.2   **Improving Operations and Reducing Costs**

a.   *Improve and determine cash flow.* Track accounts receivable incoming mailpieces to estimate daily cash flow by knowing in advance who is returning payments.

b.   *Improve lockbox operations.* Ensure the optimal resources for processing checks based on the incoming check volume identified by Origin Confirm service on incoming mailpieces.

c.   *Encourage timely responses.* Monitor delivery patterns from outgoing Confirm mailings to ensure that time-sensitive offers are delivered to customers before respond-by dates. Know when customers are about to receive bills, credit cards, insurance cancellations, notices, direct mail solicitations, and other important mail.

d.   *Reduce collection cost and customer frustration associated with dunning notices.* Save money and reduce customer frustration by using Confirm service on incoming payments to determine the appropriate follow-up. Know that the check really is in the mail!

e.   *Grant or deny customer reprieves.* Use Confirm scan data on outgoing and incoming mailpieces to know whether customers are receiving their bills in time to submit payments by designated due dates. This is valuable information to have when considering the issuance of reprieves on late payments.

f.   *Mail intelligently.* Determine mailing priority on outgoing mailpieces by using Confirm data to identify customer payment and response patterns.

g.   *Improve management of call centers.* Use Confirm service on outgoing mailpieces to anticipate call volumes.

h.   *Improve management of inventory.* Stock inventory based on Confirm scan data reported on outgoing mail and/or incoming reply mail.

i.   *Monitor and manage supply chain vendors.* Use Destination Confirm entry scan data to know when vendors induct mailpieces for your customers.

j.   *Reduce credit card and check fraud.* Track where new credit cards and checks are in the mailstream and predict delivery using Confirm service on outgoing mailings.

k.   *Process orders efficiently.* Respond to orders immediately by using Confirm service on incoming mailpieces that indicate an order by mail. Also use Confirm service on outgoing mailpieces to know when customers receive fulfillments of mail orders.

l. *Document mailings.* Have documentation that mail was sent and that the Postal Service has begun processing mailpieces with Destination Confirm service on outgoing mailings and/or Origin Confirm service on incoming mailings. Using Confirm service to track mailpieces improves customer relationship management.

m. *Promote customer satisfaction.* Enable call centers to better manage customer relationships by using Confirm data on incoming and outgoing mail to lead appropriate communication.

n. *Identify target customers.* Cross reference response rate patterns and demographic data to target potential customers and develop customer acquisition strategies using Origin Confirm service on incoming mailings.

o. *Customer acquisition.* Improve response rates of new customers by using Confirm service on outgoing solicitations and messages to synchronize timely message delivery to marketing e-mails and/or telemarketing messages.

p. *Strengthen customer loyalty.* Use Confirm barcodes on your outgoing mailpieces to bring delivery predictability that customers can trust. Customers grow loyal to companies that are dependable.

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2 Subscribing to Confirm

Confirm is a subscription-based service. Before mailing Confirm mail with the proper Confirm barcodes, the mailer must become a Confirm subscriber. To become a subscriber, the mailer must submit a completed application form, subscription fee payment, and verification of the mailer and/or printing vendor's ability to generate accurate and scan-ready barcodes prior to mailing.

2-1 Subscription Rates

Confirm service offers three subscription levels: Silver, Gold, and Platinum. All subscription levels offer both Destination and Origin Confirm services. See Exhibit 2-1 for subscription fees effective May 12, 2008.

Exhibit 2-1
Confirm Subscription Fee Structure[1] Effective May 12, 2008

Level	Price	Period	Number of Subscriber IDs[2]	Number of Mailpiece Scans With Subscription	Cost for Additional Scans During Subscription Period	Upgradeable?
Silver	$2,000	3 months	1	15 million	$500 per 2 million scans	No
Gold	$6,500	1 year	1	50 million	$800 per 6 million scans	Yes
Platinum	$23,500	1 year	3	Unlimited	Not applicable	Not applicable

1. The Confirm fee structure and fees are subject to change based on standard Postal Service rate adjustment procedures.
2. A mailer can purchase additional Subscriber IDs as follows:
   $2,500 for 1 year (Gold and Platinum), or $900 for 3 months or end of subscription period, whichever comes first.

For asistance with subscribing or renewing a Confirm subscription, contact Confirm Customer Assistance at confirm@usps.gov or at 800-238-3150.

2-2 Applying for Confirm Service

From the time the Postal Service receives a completed application from the mailer, it can take as little as 2 weeks to process the application and activate a Confirm subscription. You may also go to _http://mailtracking.usps.com_.

To apply for Confirm service, follow these steps:

1. Obtain the Confirm service application form by visiting the Postal Service's Mail Tracking and Reporting (MT&R) Web site at _http://mailtracking.usps.com;_ click on _Confirm_ and then on _Confirm Resources._ Or call Confirm Customer Assistance at 800-238-3150.

2. Complete and submit the Confirm Service application form per instructions.

3. Receive verification from Confirm Customer Assistance that your Confirm application was received and completed properly. Then go to the MT&R Web site at _http://mailtracking.usps.com_ to complete the Postal Service Customer Registration process by clicking on the "Sign Up" button for "New Users." Registration at this site provides you with access to the Confirm Service links. Customer Assistance will review the information and notify you of your MT&R Web site logon.

4. Receive Confirm Subscriber ID(s) from Confirm Customer Assistance.

5. Submit 30 sample mailpieces barcoded with proper Confirm barcodes. Also submit 30 sample Shipment ID barcodes. Refer to chapters 3 and 5 for guidelines on preparing Confirm mail and induction forms containing the Shipment ID barcode. Mailers choosing the Intelligent Mail barcode format should refer to 3-5 for details on obtaining information about barcode software.

6. Receive verification from the Postal Service as to whether or not your sample mailpieces and Shipment ID barcodes are compliant with Postal Service specifications. If necessary, modify your sample mailpieces and Shipment ID barcodes based on the guidance provided by the Postal Service.

7. After receiving the Confirm subscription invoice from the Postal Service, contact Confirm Customer Assistance for directions to pay via automated clearinghouse (ACH) or submit payment to:

   USPS DISBURSING OFFICER
   ACCOUNTING SERVICE CENTER
   2825 LONE OAK PKWY
   EAGAN MN 55121-9640

8. Receive final approval from the Postal Service after receipt of payment.

9. Receive username/password and confirmation of Confirm subscription activation.

Call Confirm Customer Assistance at 800-238-3150 with questions or concerns regarding the application process or preparing Confirm mailings.